

City Council Chamber, City Hall, Wednesday, January 19, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 19, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Ada Edwards and Addie Wiseman out of the city on city business.

At 9:23 a.m. Mayor White called to order the meeting of the City Council and called on Council Member Quan to lead all in prayer and in the pledge. Council Member Garcia absent.

Mayor White requested the City Secretary to call the roll. Council Members Edwards and Wiseman out of the city on city business.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. MOTION ADOPTED.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 21

MISCELLANEOUS - NUMBER 1

1. CONFIRMATION of the appointment of the following to the **HOUSTON READ COMMISSION**, with three-year staggered terms from the date of appointment:
 Position 20 - **MS. ETTA HILL**
 Position 21 - **MS. DIANA M. VALVERDE**
 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. MOTION 2005-0040 ADOPTED.

ORDINANCES - NUMBERS 7 through 21

9. ORDINANCE approving and authorizing Oil, Gas and Mineral Lease between the City of Houston, as lessor, and **ALLIED ENERGY SERVICES, LLC**, as lessee, for the Production of the City's Oil and Gas Interests under 316.56 acres of land out of the M. M. Battle League, Abstract 9, and Alexander Hodge League, Abstract 32, Fort Bend County, Texas, being part of Cullinan Park at Oyster Creek - \$39,625.00 – Revenue – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. ORDINANCE 2005-0056 ADOPTED.
11. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 407** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. ORDINANCE 2005-0057 ADOPTED.
17. ORDINANCE appropriating \$623,250.00 out of Airport System Consolidated 2001 AMT Construction Fund (548); authorizing the purchase of land and improvements thereon out of Wooded Acres, J. W. McGinnis Survey, A-587, Hartland Acres, W.C.R.R. Co. Survey, Section One, A-935, and J. C. Hayes Subdivision, McAuley Survey A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-57.1; Project 617; approving purchase and sale agreements with the owners of the

land (Donald Ortiz, and Geraldine Howington, Bobby J. Reneau and Henrietta Reneau, and Wendylynn West Rivera) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. ORDINANCE 2005-0058 ADOPTED.

18. ORDINANCE appropriating \$934,000.00 out of Airport System Improvement Fund (561); authorizing the purchase of certain tract of land containing 44.51 acres out of McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-58.1; approving purchase and sale agreement with the owner of the land (Southern National Bank of Texas) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. ORDINANCE 2005-0059 ADOPTED.
20. ORDINANCE appropriating \$622,000.00 out of Street & Bridge Consolidated Construction Fund for Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**, (Contract No. 55510 and approved by Ordinance No. 2003-1159) for Construction of State Highway 6 from North of IH-10 to South of IH-10, GFS N-0611-48-2 (SB9144-03) - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. ORDINANCE 2005-0060 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to thank the City Council and Mayor White for confirming Ms. Etta Hill and Ms. Diana Valverde for appointment to the Houston Read Commission and asked that both ladies to stand and be recognized and acknowledge their great commitment to the community.

Mayor White stated that there were other nominations coming to the Houston Read Commission, they had been gathering ideas, that they welcomed on the commission some suggestions from Council Members for the Houston Read Commission, that they should get in touch with Ms. Christina Cabral.

Council Member Garcia moved to suspend the rules to consider Item Numbers 22, 26 and 14 out of order. Mayor White stated that if there was no objection it was so moved.

22. RECEIVE nominations for Position 18 of **HOUSTON READ COMMISSION**, with a three-year term from the date of appointment – was presented.

Council Member Garcia stated that he wanted to nominate Mrs. Maribel H. Barrera for Position 18 of the Houston Read Commission.

Council Member Ellis moved to close nominations for Position 18 of the Houston Read Commission, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. MOTION 2005-0041 ADOPTED.

26. ORDINANCE appropriating \$332,162.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on IH-610 South Loop from N. Braeswood Blvd to Kirby Drive, GFS S-0521-S3-3 (WA10852); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – **(This was Item 26 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented.

Council Member Goldberg moved to postpone Item No. 26 for 2 weeks, seconded by Council Member Ellis. Mayor White stated that if there was no objection it was so ordered by

unanimous consent.

14. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$4,000,000.00 in Community Development Block Grant Funds to assist in the Design and Construction of the Aquatic Center-Natatorium - **DISTRICT D – EDWARDS** – was presented.

Council Member Galloway asked if Item No. 14 went through committee, and Council Member Quan stated that it went through the Neighborhood Housing and Redevelopment Committee and there was discussion, that it was last month's meeting.

Council Member Holm stated that she wanted to tag Item No. 14, that she thought they absolutely needed to be prioritizing their needs, that it was a \$4 million request to build a swimming pool and she thought that same \$4 million could possibly build and staff a library that could serve tens of thousands of people, that additionally they could build two streets.

Council Member Ellis stated that he wanted to tag the item as well.

Council Member Goldberg stated that there was a clause in the contract that he was concerned with and that was that the use was restricted for 10 years and it says that after that City Council must release all the restrictions and he was not sure what happens after the 10 years, he did not have the understanding of the clause because it was explained one way during the agenda briefing but he read the contract totally and if they could get clarification on that clause in that contract.

Mayor White stated that there was one context that he wanted to share, that he was not at the committee meeting, that on this issue Council Member Quan's committee should be aware of the context of the history of the project that was coming up once again, that for reasons that will change the City of Houston had historically had a problem spending the CDBG money that it had so they built up reserves of the money in excess that was allowed by the government and as a result of that those projects which were not ideas but were good to go they revved up and made commitments through a revision of the CDBG priorities, that this project was one that fell in that category, he was not debating the merits of it but was setting a context that in the next few months there would be a number of projects that were CDBG funded that would have a priority so that they would not relinquish federal funds because they were unexpended and it would apply to a whole variety of projects, but this one in particular was one of them.

Council Member Sekula-Gibbs stated that she wanted to echo the sentiments that Mayor White had raised and underscore that the CDBG funds did have to be used in a timely fashion otherwise they did stand the possibility of losing them, and it had happened in the past, and that they had repeatedly issued an offering to partner with the County in ways that were successful, that this was an offshoot of a public park and was a facility that would provide ways for children to play and grow and develop strong minds and bodies and was a great way for children to develop, that it was a very appropriate use of CDBG funds and she thought that Council Member Goldberg brought up a technical point about what happens at the end of 10 years whenever the City relinquishes some of its controls but when she looked at some of the other partnerships that they had entered into with the County in some of the parks she believed there was a kind of 10 year window where they did withdraw some of their controls and it was pretty typical and thought they could work out any of the details like that and work through them and move on, that she thought it looked like a pretty good partnership.

Mayor White stated that it was through the administration's repeated request that the County accelerated its planning on it to assist the City in putting funds.

Council Member Alvarado stated that the construction of the pool in Item No. 14 had peaked her interest because she had a situation at Revelle Park where the community had

been told that the policies for building new swimming pools and repairing old swimming pools had changed and that the City may not be in that business anymore, that she had Revelle Park who had a pool for over 40 years and it was not cost effective to repair it, they needed a new pool, but she was told that the community would either have to choose between a pool, all the money would go to replace the pool or settle for new playground equipment and new amenities, that she did not think the community ought to have to choose and do away with something that had been very much a part of their neighborhood for over 40 years, that perhaps they could look at some of those funding alternatives as well.

Mayor White stated that he had asked Mr. Wilson to show a map where the CDBG eligible neighborhoods were, that they saw a lot of things on the agenda last February and March on CDBG funding when Mr. Fontaine was presiding over meetings, that he was not satisfied after that time, with his personal involvement, that they kept on pace of the plans to expend CDBG funds, that there was new leadership at the Housing and Community Development Department and their goal was not to warehouse money and as a practical matter it meant that they were going to expend some \$20 million within the next two months, but they wanted to make sure what was CDBG eligible, that they would report to Council Member Quan and he would be working on it personally.

Council Member Quan stated that he wanted to point out that when they had their Consolidated Plan Meeting each year it was an item on the consolidated plan, it was an item that the Council voted to fund, that he once again wanted to emphasize how important it was to get ahead of those things early on to get those things on, that there were several others that were turned away last time, that they should look carefully when the Consolidated Plan came and when the items come before Council later on they should not say they were not aware of it, that on this item in particular he knew that Mr. Lee's office would be maintaining the pool and that was the distinction of why they were looking at a pool as opposed to the situation at Revelle Park.

Council Member Berry moved to suspend the rules for a City Council presentation, seconded by Council Member Ellis. Mayor White stated that if there was no objection it was so moved.

Council Member Berry stated that when he came to Houston in 1989 the most famous that he had heard of was Tony's and where they went in the County and talked about fine dining it was Tony's that everyone talked about when they came to Houston. Council Member Berry read a proclamation that proclaimed that Bill White, Mayor of the City of Houston, hereby proclaimed January 19, 2005 as Tony Vallone Day in Houston, Texas.

Mr. Vallone stated that he wanted to tell them how excited and thrilled he was to receive the proclamation from the City that he loved so much and which had been so good to him.

At 9:45 a.m. Mayor White stated that they would move to the public session and asked the City Secretary to call the list of speakers.

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Thomas Webb out of order, seconded by Council Member Khan. Mayor White stated that if there was no objection it was so ordered by unanimous consent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Ms. Rosario Marroquin and Ms. Monica Briagas out of order. Mayor White stated that if there was no objection it was so ordered by unanimous consent. Council Members Goldberg and Berry absent.

Mr. Thomas Webb, 2608 Sutherland, Houston, Texas 77023 (713-928-3738 ext. 16) appeared and stated that he had a concern with Agenda Item 24; that it would amend an

existing ordinance within the Code of Ordinances, Chapter 14, for municipal employees; that it would remove the Mayor from being the ultimate decision maker on indefinite suspension and they believed it would remove the integrity which now existed in the system; that an indefinite suspension meant that person could never work for the city government and they felt that decision should not be taken from his hands; and another great concern was the 90 day suspension without pay. Council Member Berry absent.

Council Member Galloway stated that she had tagged the item last week because of her concerns, she wanted to make sure the employees had a chance to speak; that she wondered how they would override the Charter herself; and upon questions, Mr. Webb stated that now the 90 day suspension took place with pay and proper investigation and to remove the pay it was like a premature punishment. Council Members Alvarado and Berry absent.

Upon questions by Council Member Galloway, Mr. Michel stated that neither proposal for consideration had changed any disciplinary procedures all it did was remove the Mayor as the final decision maker and if found not guilty back pay was one option; and Mr. Webb stated that he found his statement somewhat flawed as what existed now was if an employee was suspended with pay and exceeded 15 days it required approval of the Mayor and he was not familiar with any employee being suspended without pay and certainly not familiar with any historical ties that the city made available retroactive pay to any employee and he had received information in the past that the city was immune from having to make retroactive pay; and Mr. Michel stated that he would be happy to speak to him afterwards, but the point regarding the Mayor, the ordinance did not change process or effect except to have the Mayor removed and the director take the authority; and Mr. Webb stated that they felt the Mayor was being removed inappropriately, to replace him with a director they felt unmerited. Council Members Goldberg, Alvarado and Ellis absent.

Mayor White stated that he had benefited from his judgment in the ECC for good communication and partnership and felt this was a matter of clarifying what procedures currently were and they would get things clarified. Council Members Goldberg, Alvarado and Ellis absent.

Upon questions by Council Member Khan, Mr. Webb stated that 90 days with no pay disqualified you from unemployment and to him that exceeded disciplinary action and became punishment; and Council Member Khan stated that he agreed not many could survive with 90 days no pay. Council Members Goldberg, Alvarado and Ellis absent.

Council Member Khan stated that he understood this was being changed to director because he was more familiar with the facts; and Mr. Michel stated that yes the director would be the most knowledgeable. Council Member Khan stated the point was it should be someone removed from the issue and totally impartial to make the judgment and the director would be more partial than the Mayor and that was why he kind of agreed with Mr. Webb. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Mr. Ray Rawlins, 2407 Haven Crest, Pearland, Texas 77584 (832-721-8804) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Mr. Aaron Baldwin, 13523 Conklin, Houston, Texas 77034 (281-484-3000) appeared in opposition to Agenda Item 12 and stated that the company he worked for did roadside services and now they could not help their own customers who had paid for those services in advance. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Upon questions by Mayor White, Mr. Baldwin stated that they could render services once they were off the freeway but they did not cover the \$75.00 fee and the city was considering having them pulled off at no fee but then the city was paying \$50.00; that their average

response time was four to five minutes with their 19 trucks. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Upon questions by Council Member Berry, Mr. Baldwin stated that their average response time was four to five minutes; that their trucks were spaced out every few exits covering a general area, a certain zone in the city. Council Member Berry stated that in their data response time was longer and people were stranded much longer than four to five minutes, that time was not typical; and Mr. Baldwin stated that many times before this went into effect and they saw an abandoned vehicle or something needing an officer they would sit there and wait maybe two hours for a unit just to hookup and go; and felt anyone with the right permits should be able to pickup and not just those with deep pockets. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Mr. Ralph Thigten, Jr., 409 Fresa, Pasadena, Texas 77502 (713-875-9334) appeared in opposition to Agenda Item 12 and stated that he had been doing this 13 years and this seemed the middle man and the little man was eliminated and thought they should all be able to participate. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Upon questions by Mayor White, Mr. Thigten stated that it was being said the wreckers had a slow response time and the police were slower than they were; that he had seen an ambulance come twice and leave and they had no unit; that he felt a unit should be there because they needed to know what was in the vehicle when doing their inventory before it was dropped at a body shop. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Thigten stated that he was a supervisor for a company of two trucks; that they did not bid on the program and his contracts with the dealerships was lower than \$75.00. Council Members Goldberg, Garcia, Alvarado, Ellis and Berry absent.

Upon questions by Council Member Lawrence, Mr. Thigten stated that regarding freeways his business had been about 50/50; that if she was in his service plan and he was to tow her it would be \$65.00. Council Members Goldberg, Garcia, Alvarado, Ellis and Berry absent.

Upon questions by Council Member Holm, Mr. Thigten stated that if he towed her and she was not in the plan it would be about \$50.00 and that would be to where she needed to go. Council Members Goldberg, Garcia, Alvarado, Ellis and Berry absent.

Mr. Anthony Brown, 2410 Peach Lane, Pasadena, Texas 77502 (713-397-3969) appeared and spoke in opposition to Agenda Item 12 and stated that the program was not fair and it took about 50% to 75% of his business away; that their customers never had to sit alongside the road as they beat the six minute rule and many had the tow already paid for so why should they pay another \$75.00 fee. Council Members Goldberg, Ellis, Green and Berry absent.

Upon questions by Mayor White, Mr. Brown stated that a tow fee depended on where you needed to go but it went from \$45.00 to \$70.00; that definitely some tow operators had gouged the public but all should not be targeted because of a few; and Mayor White stated that Allstate, one of the biggest carriers in Houston, showed the average tow in Houston was in excess of \$200.00 per tow. Council Members Lawrence, Goldberg, Garcia, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Merchant, 9311 Misty Vale, Houston, Texas 77075 (713-910-6111) appeared in opposition to Agenda Item 12 and stated that most tow drivers did not have a problem with the program until it turned out to be 75% of their business; that if people were alongside the roadway they were not blocking it and he felt anyone should be able to pick them up due to them paying \$1,000,000.00 in insurance and permits and the same background checks as those in the program; that he could not even pickup his own family and also had to pay another

wrecker to pick them up; that the problem with too many wreckers was the longer they waited for officers to show up the more time wreckers had to get there. Council Members Lawrence, Galloway, Goldberg, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Merchant stated that 70% of his business had been on freeways; that if they were pulled off the freeways his truck could respond. Council Members Lawrence, Galloway, Goldberg, Green and Berry absent.

Mr. Don McCoy, 2601 Lazy Bend, Pasadena, Texas 77581 (281-701-0969) appeared and spoke in opposition to Agenda Item 12 and stated that a friendly wrecker call was when an officer called for them to do a free favor, such as a tow to the nearest gas station because they had no money, well they did all those and he wondered if SafeClear did. Council Members Lawrence, Galloway, Goldberg, Holm, Green and Berry absent.

Upon questions by Mayor White, Mr. McCoy stated that they could not do the free calls any longer as they were not making money as it was, they could not do everything for free; that they had applied for a segment, but were not selected. Council Members Lawrence, Galloway, Goldberg, Green and Berry absent.

Council Member Sekula-Gibbs stated that Mr. McCoy brought up a valid point, in a system where they had squeezed and squeezed the wrecker driver and where they had gone from \$100.00 a tow to \$75.00 and now it would be \$50.00 the opportunity for charity in their hearts were smaller and smaller; that they were asking them to cut to the bone now and how could they ask them to do things free; that this was a serious situation; and upon questions, Mr. McCoy stated that he was in the business 13 years and had done over 1,300 friendly calls. Council Member Sekula-Gibbs stated that they needed to remember what they were asking; that she had conversations with Mr. Wainwright, the executive director of the Houston Automobile Association, and out of the goodness of their heart they had set up the MAP program in conjunction with METRO and TXDOT and Harris County in 1986 and they invited the city to participate at different junctures and they elected not to but they still could participate in various ways in the MAP program and though it would cost they could possibly get private entities, companies, to put up the money for that participation, it could be a public/private partnership which they do; that she felt they needed to take a hard look at this, she hoped the amendment would be tagged as they could not Band-Aid it, she felt there were too many flaws for it to be fixable and it needed to be sent back to Legal, the Administration, the Mobility Taskforce and have it all reworked alongside with the MAP program and then bring it back where it would be fair to all. Council Members Lawrence, Galloway, Goldberg, Green and Berry absent.

Upon questions by Council Member Khan, Mayor White stated that the taxpayers paid for MAP; that he would provide him with information; that Lieutenant Bender talked with Chief Hurtt and the Sheriff as he had requested information on cost effectiveness, safety, etc., and when they get the information it would be provided to him. Council Members Galloway, Goldberg, Alvarado, Green and Berry absent.

Mr. Zac McWilliams, 14250 Kimberly Lane, Houston, Texas 77079 (281-804-2815) appeared in opposition to Agenda Item 12 and stated that the program had taken a beating from all fronts largely because it was ill conceived in the disappoint of improper fact gathering and planning; that more vehicles were pulled to the shoulder yearly by officers than were disabled and the arguments were not holding water and a moratorium should be called before it became a bigger failure. Council Members Galloway, Goldberg, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. McWilliams stated that he had not previously proposed a plan to cleanup freeways but his group now was trying to provide a solution; that they agreed safety and traffic issues should be addressed, however, did not believe a program

should be put in place with them trying to fix it as they went along; that his group was a 527 and received no contributions whatsoever. Mayor White stated that they did appreciate ideas from citizens. Council Members Galloway, Goldberg, Khan, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Daniel Galvan, 1202 Adele, Houston, Texas 77009 (713-861-3752) appeared in opposition to Agenda Item 12 and stated that he owned a tow truck company, TC Wrecker, and many towed in the SafeClear Program were towed without their consent and he felt he could help with a two step program, if they went back to where the owner called a wrecker and allowed drivers to call 311 they could be given 5 companies in the area which that person could call and get the lowest bid and the vehicle would still be picked up in a timely manner. Council Members Galloway, Goldberg, Alvarado, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Galvan stated that the city was proposing wrecker companies tow for \$50.00 and it would be the city paying for it when they did not need to use city money at all; that if there was no cell phone in the vehicle there were pay phones people could use if on the roadway and on the freeway if they were on the shoulder they were out of impeding traffic; that if an independent driver pulled up the citizen would be allowed to use them and not need to call, but most tow drivers had phones. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Pastor Robbins, 222 Clinton Park, Houston, Texas 77022 (281-458-5809) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Mr. Gerald Seimien, 5514 Winding Way Drive, Houston, Texas 77091 (713-682-3404) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Ellis and Berry absent.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Mr. Jeff Hill and Mr. Robert Flores out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city. Council Member Edwards out of the city on city business. Council Members Lawrence, Galloway, Holm, Ellis and Berry absent. MOTION 2005-41-A ADOPTED

Mr. Jeff Hill, 4058 Woodfox, Houston, Texas 77025 (713-805-1832) appeared, presented information and stated that he was present concerning his and others driveways in the Westwood South Subdivision which was currently being reconstructed; that first there was an equity issue and the first picture of what he presented showed his driveway before construction; that the next picture showed what the city had done to their right-of-way portion of his driveway which he considered completely unacceptable; that the city had a duty of fairness in equity to citizens; that another picture showed photographs of the Westwood North Subdivision which was reconstructed and completed last year and they had received a completely different treatment with their driveways; that he brought it to the attention of the Public Works Department and was told they were satisfied with the contract, he brought it to the attention of the City of Houston in terms of a claim as it had diminished his property value instead of increasing which was why the project was started to begin with. Council Members Lawrence, Galloway and Ellis absent.

Upon questions by Mayor White, Mr. Hill stated that it was a water, sewer and roadway project; that all sewer lines were replaced and the roadway was torn out completely and done

over. Mayor White stated that this was inexcusable, but even on a good job it may not look exactly as it did before they went in and how to balance that they needed a lot of input on. Council Members Lawrence, Galloway and Ellis absent.

Council Member Goldberg stated that he and Mr. Hill had been talking and he only wanted something fair and equitable and wanted his driveway in the condition it was in prior to reconstruction. Council Members Lawrence, Galloway, Ellis and Sekula-Gibbs absent.

Mayor White thanked Mr. Hill for bringing the matter to their attention and stated that there should be a uniform policy, in looking at the pictures there was no doubt that what was intended as a good deed did mess up his driveway and it should not have happened; and called on Mr. Norman and said to him that they had discussions on this in particular going from open ditch to covered culverts and there should be policy and if it was a matter of not using the same substance materials for replacement then people petitioning for the services should know that; and he would like a report on it. Council Members Lawrence, Galloway, Ellis, Quan and Sekula-Gibbs absent.

Council Member Green stated that in looking at the pictures anyone from Public Works or any other department that would say it was okay should have their sanity investigated and secondly what was the amount of pride they took doing their job; that it did not take an engineer or rocket scientist to know that was wrong and he wanted to know who said it was okay and he had to live with it; and Mr. Hill stated that he spoke with Reid Mrsny, who he understood was the City's Chief Engineer as well as Mr. Mike Marcotte and Mr. Dan Krueger, they all said it was acceptable; and Council Member Green stated that they needed to demand more from the city department and from the contractor; and upon further questions, Mr. Hill stated that it was Total Contracting who was the contractor; and Council Member Green stated that this was totally unacceptable and they should be ashamed to let something like this stand and wanted to be kept in the loop; and Mr. Hill stated that Council Member Goldberg suggested they repaired it to standard size, but in the same neighborhood a different contractor repaired the driveway to whatever size that particular driveway was. Council Members Lawrence, Galloway, Ellis, Quan and Sekula-Gibbs absent.

Council Member Berry stated that Council Member Goldberg's office determined the one side of the street that was repaired differently was chosen to be done so by the contractor, unfortunately Mr. Hill's contractor chose not to, but they would be glad to take this up in the TIA Committee, it was an infrastructure issue and he felt that they should check to see if the contractor and Public Works did as policy dictated, it was unfair to send people into a job where they would be called on the carpet for doing that job so they should review the policy. Mayor White stated that it would be a lot of help if there was a workshop type format where Council Members looked through different scenarios for alternative policies and included both situations and this was not to minimize Mr. Hill's complaint, but they were going to be moving on neighborhood reconstruction and this was a tough issue. Council Member Berry stated that they would follow-up with Mr. Hill, they would continue to work on it. Council Members Lawrence, Galloway, Garcia, Ellis and Quan absent.

Ms. Arvil Thompson, 5510 Kuldell Drive, Houston, Texas 77096 (713-668-0103) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Garcia, Ellis and Quan absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he wanted to know why someone like him should pay to get their car towed, from his understanding the free tows would be paid by taxpayers which meant he would be paying for someone like them and it was not right; that he supported the SafeClear program, but not as it was now; that his car had been towed many times and he never paid \$75.00 and he thought to get it off a freeway it should be more like \$25.00 and a tow home \$75.00 or \$1.25 per mile after 15 or 20 miles. Council Members Lawrence, Galloway, Garcia, Ellis and Quan absent.

Upon questions by Mayor White, Mr. Winters stated that for hardship cases he felt they should be given a ticket and allow 30 days where then they would be required to go show why they should not be charged for the tow and if they could not show proof why they could not pay then they would be required; that he felt different cases should be handled differently. Council Members Galloway, Khan, Quan and Berry absent.

Council Member Sekula-Gibbs stated that she liked his perspective and being a member of the disability community he saw things from a different point of vision; that when she voted for the SafeClear program it was a different animal altogether and now they had gone from a program to generate money to one costing the city at least \$300,000.00 a year at the beginning and that was just an estimate and it had her very concerned; that she supported mobility and safety but there had to be a way without charging taxpayers and she did not think throwing \$300,000.00 was the solution. Council Members Galloway, Khan, Garcia, Ellis and Berry absent.

Council Member Holm stated that what Mr. Winters brought forward was a different prospective and that was the taxpaying citizen who wanted the best system but a balanced system; and upon questions, Mr. Winters stated that when towed he basically paid \$45.00, \$55.00 and that was from Fifth Ward all the way to 610 and South Post Oak and he felt \$25.00 or \$35.00 would be reasonable to just be removed from the freeway. Council Members Galloway, Khan, Garcia, Ellis and Berry absent.

The City Secretary stated that Mr. Robert Flores had been included in Council Member Goldberg's motion and he would be called at this time. Council Members Galloway, Khan, Garcia, Ellis and Berry absent.

Mr. Robert Flores, 10105 Woodwind, Houston, Texas 77025 (713-664-2753) appeared and stated that he was present regarding driveways as was Mr. Hill; that his concern was he asked if they would replace it with the pea gravel and was told no as they were using concrete; that his driveway was 10 feet and theirs was 12 feet so that part did not look right; that he was unemployed 8 months and he had to go take out his old driveway and replace it with just concrete to match and that cost him over \$5,000.00; that he was bringing it to Council's attention so hopefully others would not have to go through it. Council Members Galloway, Garcia and Berry absent.

Mayor White thanked Mr. Flores for coming and stated that it was important to them and as he heard the previous discussion they were discussing standards. Council Members Garcia and Berry absent.

Ms. Pascuala Medellin, 738 Keith Avenue, Houston, Texas 77504 (713-946-8476) appeared with an interpreter in opposition to Agenda Item 12 and stated that she would like Council to nullify or remove the SafeClear program; that she was looking for a program that gave assistance and not tows, she had four children and she wondered what would happen in case she was on the freeway would they take the car and her and her children have to wait there. Council Members Goldberg, Holm, Garcia and Berry absent.

Mayor White stated that they wanted to make changes to assist people getting off the freeway more quickly, it was dangerous to the children to be on the freeway; that under the old system you could sit on the freeway a longtime, but under the new system there were choices and a police vehicle as well as a tow truck would be able to take them off the freeway and if they wanted and could pay the towing fee they could be taken home. Council Members Goldberg, Garcia and Berry absent.

Mr. Kip Quist, 12923 Plumwood, Cypress, Texas 77429 (281-320-1874) appeared in opposition to Agenda Item 12 and stated that Collision and Auto Repair was given one of the

SafeClear contracts and in towing off his car it was wrecked, it came off the tow truck and now they did not want responsibility for it and he was having to go through the Public Office Information Act to get information and now was \$800.00 in the whole now on a rental car; that he had pictures to prove it and wanted the Mayor and Council to know who they were doing business with. Council Members Goldberg, Garcia and Berry absent.

Mayor White stated that he was made aware of the complaint and Lieutenant Bender was aware of the situation and he felt there needed to be a solution to his concern, it needed to be fixed and then said to the Captain present that he had heard what he said. Council Members Goldberg, Garcia, Sekula-Gibbs and Berry absent.

Mr. Ferdinand Durisseau, 16315 Covey Run Drive, Missouri City, Texas 77489 (281-438-7003) appeared in opposition to Agenda Item 12 and stated that he was showing a newspaper picture from January 9th with about 10 tow trucks from 2001, but if there was one wrecked car there should be one tow truck and if two wrecked cars there would be two tow trucks; that this picture was before any regulations and just to badmouth them; that six minutes to get a car towed was a storage lot system; and he also did not like it that he could not go get his own family. Council Members Goldberg, Garcia, Sekula-Gibbs and Berry absent.

Ms. Anne O'Ryan, 4970 Hwy 290 W #310, Austin, Texas 78735 (512-899-8843) appeared, presented information and stated that she was with AAA Texas and they appreciated what the Mayor and Council had accomplished so far with the program, but additional steps should be taken; that they would like the wait time addressed in a specific way and the safe drop site under the new proposal they would like specific criteria on; and when looking at motorist rights they would not like them pressured if their vehicle needed repairs; that they would like to work with the City of Houston in providing assistance in addressing the issues. Council Members Goldberg, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that he knew she appeared and gave information during discussions and he knew they needed to work toward the goals; that one issue which repeatedly came up was reimbursement and he knew AAA reimbursed and wanted it seamless, there were many reimbursements within the city and he would like Chairman Berry to have it high on the Agenda; that on response time he would like the systems, procedures and reports which AAA received concerning response time so they might learn; and Ms. O'Ryan stated that they could provide such reports and upon further questions by Mayor White, Ms. O'Ryan stated that their average response time for a freeway situation was 20 minutes and elsewhere 30 minutes and then if it was an emergency situation all speed and priority was given to it. Council Members Lawrence, Goldberg and Garcia absent.

Council Member Green moved that the rules be suspended for the purpose of hearing Ms. Gladys House out of order, seconded by Council Member Khan. Mayor White stated that if there was no objection it was so ordered by unanimous consent. Council Members Lawrence, Goldberg, Garcia and Alvarado absent.

Council Member Berry stated that he appreciated all that AAA did and there was every reason for them to oppose this in the beginning and they brought much guidance and assistance to the table and was a big part in making this program what it was; and upon questions, Ms. O'Ryan stated that they had seen no problems with reimbursement and they were in touch with their customers, but she would check on typical reimbursement time for him. Mayor White, Council Members Lawrence, Goldberg and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan thanked Ms. O'Ryan for her input and AAA's broad knowledge; and upon questions, Ms. O'Ryan stated that they made suggestions regarding the Freeway Service Patrol Program in California as a model program as it had a 96% favorable rating; and Council Member Quan stated that in the information AAA provided his office it showed in those cases

85% of the time there was no tow that most people needed to change a tire or needed a gallon of gas or were just moved off the freeway; that it seemed the city was taking a policy of everyone gets towed and everyone gets charged and the majority of cars did not need such drastic action; that also in California tow services bid on a per hour per cost basis and it was not a flat rate, it was how fast can you provide the service and at what cost; that it seemed the city had not even begun to look at it in a cost effective manner such as that; and the funding source in California had a funding choice; and Ms. O'Ryan stated that there was a \$1.00 registration fee which was to go to call boxes, but counties had opportunity to use a portion of that for other motorist programs and state funds were put in place, it depended on how broad of a program they wanted. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Mayor Pro Tem Alvarado stated that she did not know if there was a survey from customers as yet but would ask Mr. Fontaine if that could be available before the end of the meeting. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado recognized former Council Member Rob Todd, who was present in the audience. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs thanked Ms. O'Ryan for coming and stated that she appreciated the materials she had presented over the past weeks; and upon questions, Ms. O'Ryan stated that if they looked at 100 tows a day and 20 were in lane tows with 80 on the shoulder and free tow and 50% of those taking a full tow she thought it would probably be double their estimate of \$300,000.00, but she did not know how this was being determined by the City of Houston; and Council Member Sekula-Gibbs stated that this was very different from the original proposal brought to them where motorists would pay and it was causing serious concern, she was not happy with it at all. Council Members Goldberg absent.

Council Member Lawrence moved that the rules be suspended for taking Item 25 out of order, seconded by Council Member Berry. Mayor White stated that if there was no objection it was so ordered. Council Members Goldberg absent.

25. ORDINANCE approving and authorizing agreement for Legal Services between the City and **VINSON & ELKINS L.L.P.** for Litigation Support related to passage of Proposition 1 and Proposition 2 on the November 2, 2004, Ballot; providing a maximum contract amount \$250,000.00 - General Fund – **(This was Item 19 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBERS EDWARDS, LAWRENCE, KHAN, SEKULA-GIBBS, QUAN, HOLM and ELLIS)** – was presented.

Council Member Holm stated that she received inquiries on Item 25 relating to two issues the amount of the proposed contract and whether to outsource or handle in-house and she was proposing an amendment to delete Section 4 in its entirety and renumber Section 5 as Section 4 and then substitute the amount \$100,000.00 in place of \$150,000.00 as the original allocation; that she spoke to Mr. Michel who said to do this in-house it would take the Business Litigation Division and General Counsel Division 30% to 40% of their time and last one to three years, then they would not be able to pursue their workload and because they would not be litigating on cases pending it could jeopardize \$2,000,000.00 to \$4,000,000.00 and based on that and it being necessary to defend themselves in the suit she proposed adopting the contract with the amendment. Council Member Goldberg absent.

Council Member Holm offered the following written motion to amend Item No. 25.

"Motion that Item 25 on the Agenda for January 19, 2005, a legal services contract between the City of Houston and Vinson & Elkins, L.L.P., be amended by

1. Deleting Section 4 in its entirety from the ordinance and renumbering Section 5 of the Ordinance as Section 4, and
2. Substituting the amount of \$100,000 in place of \$150,000 as the Original Allocation in Article IV section D (2) of the contract."

Upon questions by Council Member Garcia, Mr. Michel stated that they agreed to the reduction in part because whatever services passed the \$100,000.00 they would donate as a community service. Mayor White stated that he had asked attorneys to donate services and some said no and this firm deserved credit for stepping up to the plate; that the Administration supported the amendment in the spirit for which it was intended and commended the lawyers for what was intended. Council Members Goldberg, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she would lend support to Council Member Holm and she appreciated her due diligence in proposing a smart change; that she appreciated her efforts in defending the City of Houston and watching taxpayer dollars and hoped Council Members would be supportive. Council Member Goldberg absent.

Mayor White called for a vote on Council Member Holm's amendment. Council Member Sekula-Gibbs voting no. Balance voting aye. Council Member Wiseman out of the city. Council Member Edwards out of the city on city business. Council Member Goldberg absent. MOTION 2005-0042 ADOPTED

A vote was called on Item No. 25 as amended. Council Members Sekula-Gibbs, Khan, Ellis and Berry voting no. Balance voting aye. Council Member Wiseman out of the city. Council Member Edwards out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0061 ADOPTED

Mayor White stated they would now continue with the Public Session.

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) appeared in opposition to Agenda Item 12 and stated that since SafeClear stated many officers were diverted to assist with those who did not want their car towed and that left them understaffed and others in accidents on side streets were waiting as much as two hours for an officer response; that freeways were auctioned and she did not see why officers could not be paid to clear traffic, METRO did an excellent job clearing freeways why could they not do it again and did the public know the next step was a SafeClear program for the streets also; that changes kept being done because the program was not working and she did not know why they could not just do away with it. Council Members Goldberg and Sekula-Gibbs absent.

Mayor White stated that there was a request of some citizens that a vote taken today be postponed because they feared one or more Council Members would be out of the city for the Presidential Inauguration and they let the Council Member know that if the outcome would change the vote they would postpone the vote because they needed to respect that the inauguration was only every four years, but it would have made no difference in the outcome and he just wanted that known on a point of personal privilege. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Berry stated that he felt the public expected them to deliberate and vote on issues in a majority to carry the will and did not think they wanted procedural gains and there was credibility in the process. Council Member Berry stated in addressing Ms. Yerena's point they did hear what she was saying and regarding the police resources it was unfortunate they had to send an officer when someone did not want the tow but prior to the program an officer had to be sent to every scene even if they just ran out of gas; and Ms. Yerena stated they never had to do that in the past because they never towed vehicles in the emergency lane, but now if

people were on the grass or just trying to push their car down ...; and Council Member Berry stated that he was getting an answer from HPD regarding how many officers were being called to the tows and if it was too many they would have to address it. Council Members Goldberg, Ellis, Sekula-Gibbs and Green absent.

Mr. Calvin Rutledge, 701 W. Houston, Highlands, Texas 77562 (281-628-5736) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Ellis, Sekula-Gibbs and Green absent.

Mr. Oscar Cavazos, 217 Burrell, Houston, Texas 77022 (713-392-9366) appeared in opposition to Agenda Item 12 and stated that the SafeClear program was ruining the tow drivers business; that was their wages. Council Members Goldberg, Ellis, Sekula-Gibbs and Green absent.

Ms. Patsy Shears, 406 E. Canino, Houston, Texas 77037 (832-473-1809) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Ellis, Sekula-Gibbs and Green absent.

Mr. Francisco Medellin, 738 Keith, Houston, Texas 77504 (713-946-8476) appeared with a interpreter in opposition to Agenda Item 12, presented a petition and stated that he was against the SafeClear program and so were those on the petition and they were asking that it be suspended until changes allowed the implementation of a plan similar to the Harris County's Motorist Assistance Program (MAP) which first helped motorists and then offered a wrecker and they supported the \$1.00 fee once levied on a water bill to finance the program; that if visitors came through Houston and had a flat the SafeClear program would discourage them from coming again. Council Members Goldberg, Alvarado and Sekula-Gibbs absent.

Council Member Garcia thanked Mr. Medellin for being present and expressing his displeasure with the SafeClear Program and asked Mr. Medellin what were the people saying in the different neighborhoods around the City, did he think it was right for anyone whose car was disabled in the middle of the freeway to leave it there or to remove it as soon as possible, and Mr. Medellin stated that he was in agreement that if disabled in the middle of the freeway it should be removed as soon as possible because it was destroying the flow of traffic and dangerous, and Council Garcia stated that as to the feeder they were proposing to remove cars from the shoulder without cost to anyone but he thought that the shoulder was just as dangerous as the middle of the freeway so that is why they were discussing removing the cars from the shoulder and asked Mr. Medellin if he was in agreement and Mr. Medellin stated yes in that regard and asked where would the money come from for that service and Council Member Garcia stated that he was proposing that the cost of the free tow be removed from the tow company's contracts with the City, that was an idea he was proposing to the City Council, that the tow trucks would still help with changing a flat tire or with gasoline. Council Members Lawrence, Goldberg, Alvarado, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Green moved to remain in session beyond the noon hour to complete the meeting, seconded by Council Member Galloway. Mayor White stated that if there was no objection it was so ordered by unanimous consent. Council Members Lawrence, Goldberg, Alvarado, Ellis, Quan, Sekula-Gibbs absent. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Ray Rawlins who was previously not present when called was now in the Chamber and she would call on him at this time. Council Members Lawrence, Goldberg, Alvarado, Ellis, Quan and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Ray Rawlins, 2407 Haven Crest, Pearland, Texas 77584 (832-721-8804) appeared in opposition to the SafeClear program and stated that someone used the name of his deceased

brother who was a Houston solo officer in comments supporting the SafeClear program; that he was a tow truck driver and he would doubt his brother would support any program that would harm him or his family financially; that his accident was because he stopped a truck and it was rear ended and it caused an explosion; that also some in the SafeClear program were some who had been fined with the biggest violations prior to taking the program; and many times when someone broke down a wrecker had towed them off free. Council Members Lawrence, Goldberg, Alvarado, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he was present when the statement about his brother was made it was made by another solo officer who apparently was a dear friend of his brother and had served with him, the comment was made that it was dangerous for solo officers and it was in no way meant to suggest what his brother would say or to dishonor him. Council Members Lawrence, Goldberg, Ellis, Sekula-Gibbs and Green absent.

Council Member Garcia stated that it was him that mentioned his brother's name , he was a retired Houston police officer but was working the day his brother was killed in the morning and another colleague working a solo unit was killed in the evening and both on the shoulder of the road; that he was saying how dangerous the shoulder was, it was very painful having two officers killed the same day and in the same way and he had used what he said as an explanation of how dangerous freeways were for anyone, but he never intended to hurt their family; and Mr. Rawlins stated that he appreciated their comments. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Galloway stated that she too wanted to say the shoulder was dangerous for everyone, including officers, and as her colleague just said two officers were killed in one day so why was that not included, why were they still giving tickets on the shoulder; and if it was unsafe it was unsafe for everyone and they should be included. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Ms. Gladys House, 1605 Andrew, Houston, Texas 77004 (713-742-6995) appeared and stated that it had been almost one year since an officer intentionally drove his patrol car into the fence of the Freedmen's Town Association office, it was less than \$1,000.00 and they had still not received payment; and it was two years since the Planning Director, Robert Litke unlawfully altered traffic signs in the African American community section of Freedmen's Town and it jeopardized children's safety and caused a financial burden as they had to drive further and she wanted to know how this would be addressed; that it had also been five years since their community project to restore Gregory School as a multi purpose cultural center started and that was delayed by the city and she wanted the status of the project; and it was 10 years since the city's commitment to convey 1501 West Webster site to Freedmen's Town Association for affordable housing. Council Members Lawrence, Galloway, Goldberg, Khan, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Quan stated that he would try and get her information, but on the Gregory Elementary project they were looking at a March 2006 completion date; that he was not aware of the traffic signs or destruction of the building because of police action but would check on it; that regarding contamination on the Brownfield grant he wrote her a sensitive letter and checked with Housing and Health and they could not get a clearance to use the facility; that he would be glad to consider new information she had. Council Members Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent.

Ms. Rosario Marroquin, 9409 East Avenue L, Houston, Texas 77012 (713-636-3915) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent.

Ms. Monica Briagas, 9404 East Avenue L, Houston, Texas 77012 (713-921-3522) had reserved time to speak but was not present when her name was called. Council Members

Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent.

Ms. Margaret Gondo, 209 Vincent, Houston, Texas 77009 (713-743-1924) appeared and stated that in March 2004 the SPCA made an announcement they would begin taking strays to BARC and now she was left with no option except to take strays to what she considered an inhumane facility and since then she became actively involved in improving conditions there and attended all advisory meetings and signed up to be on one group, but only two groups met and very little was accomplished; that BARC needed immediate improvement, she worked in the Biomedical Research Field and animal care facilities were inspected regularly and when not in shape they were shut down and grant money taken from them; that she went to BARC six days a week and knew how it was and that employees had misled them, a number of times and yet Council still defended them; that she was before Council asking for a change in ordinance allowing a taxpayer to sit on the Animal Advisory Committee, most city committees allowed it; that as she became increasingly more vocal certain areas were now closed off to her and she was requesting those be opened to her again; and urged something be done now. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that they had heard her complaints and had a meeting of their Neighborhood Housing and Redevelopment Committee and asked Director Williams to come and give a report and he would get her a copy of it; that several changes would be made immediately and they scheduled a follow-up meeting and a tour of BARC to see the changes were being made and he was more than happy to listen to her suggestions; and invited Ms. Gondo to attend the next meeting with him. Council Members Lawrence, Goldberg, Garcia and Sekula-Gibbs absent.

Council Member Berry thanked Ms. Gondo for coming and stated that they appreciated her helping them make better policy, the program would be better because of her help; and he could not understand why she could not observe as it was not a homeland security problem; and Mayor White stated that he agreed, people who wanted to observe were welcome and people knowledgeable were the eyes and ears; that in a city where they had the highest uninsured, people pregnant needing neonatal services and childhood inoculation was historically unacceptable those in the Health Department dealt with tough issues daily and they did not have what they needed for the people and animals they were responsible for and it was important for people who did do a good job and worked for improvements to give them positive reinforcement and being insistent with information and patient and supportive where they saw progress; and Ms. Gondo stated that money could be found to support BARC and her intent was not to look for problems but to make them aware and she wanted to know what was going on there. Council Members Goldberg, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Blake Mathews, 32015 Willowcreek Park, Spring, Texas 77386 had reserved time to speak but was not present when his name was called. Council Members Goldberg, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Mr. James M. Klein III, 2307 Fawnwood Lane, Spring, Texas 77386 had reserved time to speak but was not present when his name was called. Council Members Goldberg, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Charles X. White, 8607 M.L.K., Houston, Texas 77048 (713-734-4370) appeared and stated that he had come before Mayor White with a small group of civic club presidents and stake holders from Southeast Sunnyside South Park Area and at that time he had mentioned to the Mayor about a proposal that they had that dealt with development, that today he had that proposal and was present to ask the Mayor for a meeting to meet with some of the CDC's, developers and architects to address the land use of vacant lots in the Sunnyside and South Park area; that they found out that there were 214 pages of vacant lots that were in the Sunnyside and South Park area, that he had presented a booklet and in it was a letter that had

five items they would also like to discuss; that before he discussed them he wanted to note that the Community Partnership Breakfast was again on January 27, 2005 at Bethel Baptist Church, that the Mayor had attended before and they believed that they would have approximately 550 people again, that Council Members were invited, that it was a collaboration with the civic clubs and precinct judges in the area; that he had handed out a packet with Homes Community Development, that they had a problem with the Planning Director, they had three Planning meetings to create an area plan and he had refused to send someone to that meeting, that they had one meeting at TSU, one at the University of Houston, one at Pentecostal Baptist Church and one at Sunnyside Multi Purpose Center. Council Members Goldberg, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. White stated that they wanted a person in Planning to help in development of an area plan, they needed them at the table to help with ordinances, specifics that Planning was responsible for; that all they ever asked for was a policy on areas and they needed input; and Mayor White stated that on super neighborhoods going to the Mayor he visited with Council Member Edwards and he did intend to take some of her guidance and input as he did with other Council Members and super neighborhoods in their districts. Council Members Goldberg, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he was impressed with what they were doing and he would be at their breakfast; and upon questions, Mr. White stated that he was sure Housing and Development could play a part, but out of all city departments for the last six years the only one which gave a problem was Mr. Litke's. Council Members Goldberg, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he hoped they did not ever feel his door was closed and on the issue of having Mr. Litke or someone from his department appear he thought it was justified and as for a policy in place for super neighborhoods he was willing to take it up; that for the abandoned lots they were looking at legislation to see how to move faster, but it was a delicate balance; and he welcomed his input. Council Members Goldberg, and Sekula-Gibbs and Berry absent.

Council Member Galloway stated that they did have problems on policies and procedures and she would urge the Mayor to maybe rethink it and put such procedures in place; and Mayor White stated that he would read all they presented; that he wanted to get things done. Council Members Goldberg, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Christobol Patino, 7903 South Loop East, Houston, Texas 77012 (713-643-2804) appeared and stated that he was present regarding a section of Houston on the southeast side where the trains continued to block off roads for miles, from Old Galveston to Telephone no emergency vehicles could get through. Council Members Goldberg, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there were cameras in certain areas and it's wrong to just sit there; that they were seeking hundreds of millions of dollars in federal funds this year for assistance of their delegation lead by the majority leader to go in part for grade separations; that he heard what he was saying; and Mr. Patino stated that limbs were hanging over so bad along Harrisburg METRO could not see people to stop; and Mayor White stated that he and the Pro Tem went out there sometimes and they would go take a look; and Mr. Patino stated that regarding repaving it was so bad on the other side of Harrisburg where it turned into Broadway straight to Hobby. Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would ask Mr. Fontaine to meet with him, a

program was initiated by Mayor White and many crossings were being monitored and she would ask him to get the exact location he talked about. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Saeed Gaddi, 42 Dartmoor, Sugarland, Texas 77479 (832-277-6699) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Emalia Perez, 17965 Band, Houston, Texas 77049 (832-755-6502) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. William R. Morris, 6603 Linden, Houston, Texas 77087 (713-921-4500) appeared in opposition to Agenda Item 12 and stated that the SafeClear plan was a bad one getting worse and they knew it would not work and they should give up on it. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 1:07 p.m. Mayor White stated that they would return to the agenda.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$69,514,014.52 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Terminals A & B Parking Garage at George Bush Intercontinental Airport/Houston; Project No. 533B; CIP A-0351 - 07.40% over the original contract amount **DISTRICT B – GALLOWAY** – was presented. Council Members Lawrence, Goldberg, Ellis and Sekula-Gibbs absent.

Council Member Galloway stated that she wanted to make note that they did not meet their MWBE participation and it was a satisfactory rating, that she did not know if it was caused by all the change orders that they had and things that were unforeseen at the airport but she wanted to go on record to say that she hoped if they got future contracts that they would look at

them and make sure that the goals were being met, and Mayor White stated that he was familiar with the situation and shared her goal. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. MOTION 2005-0043 ADOPTED.

3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,209,580.00 and acceptance of work on contract with **CERTIFIED / LVI ENVIRONMENTAL SYSTEMS, INC** for Asbestos Abatement at Jesse Jones Hall - Attic, GFS B-0038-03-5 - 04.21% over the original contract amount - **DISTRICT I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Galloway stated that the same held true for Item No. 3 as well, the MWBE participation goals were not met as well as they were almost 5% over the original contract, so she hoped that they would start closely monitoring the various contracts and make sure that they check on them periodically to see that they were meeting their goals. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

A vote was called on Item No. 3. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. MOTION 2005-0044 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,400,666.87 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 441, GFS N-0374-01-3 (SB9042) - 01.55% over the original contract amount - **DISTRICTS D - EDWARDS and H – GARCIA** – was presented, and tagged by Council Members Garcia and Green. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,521,636.50 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Fuqua from South Belt to Campden Hill, GFS N-0489-01-3 (N-0489-01) - 00.90% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Green. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Galloway stated that on this item she wanted to make note that the company well exceeded their goal and also wanted to commend the company for being under the original contract amount, that she thought it was exceptional when they had contractors meeting their MWBE goals as well as coming in under the original contract amount. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Mayor White stated that it was one of the those firms where they did have a problem with communication with Council Members on legitimate concerns, that at some direction that they gave in open session that they set a goal to improve what they were doing and he applauded that by the company. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

PURCHASING AND TABULATION OF BIDS

6. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **BFI WASTE SERVICES OF TEXAS, L.P.** for Solid Waste Disposal and Equipment Leasing Services for the Houston Airport System and other departments approved and authorized by Ordinance No. 02-1101 – was presented. All voting aye.

Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0062 ADOPTED.

- 6a. **DECLARE GOPDQ.NET, L.L.C. dba PDQ PORTABLE TOILETS** non-responsible for a period of 24-months for failure to comply with the requirements/standards set forth in its contract with the City of Houston – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. MOTION 2005-0045 ADOPTED.

ORDINANCES

7. ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0063 ADOPTED.
8. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Enforcement of Solid Waste Regulations – was presented.

Council Member Galloway stated that when they change ordinance she had requested many time to get the red line version so they would know what they were amending and changing on the ordinance instead of just getting the new version, that meant she had to take up much of her time researching the old ordinance to see what they were changing, and Mr. Michel stated that he would instruct his attorneys to prepare both a clean and red line version for Council Members. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

A vote was called on Item No. 8. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0064 ADOPTED.

10. ORDINANCE approving and authorizing sixth amendment to Gas Sales Contract between the City and **CENTERPOINT ENERGY ENTEX** to extend the contract for a period of eight years; approved by Ordinance Number 89-1230 (Co. No. 29624) – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0065 ADOPTED.
12. ORDINANCE approving and authorizing amended and restated contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC**, for Major Freeway Tow Agreements and approving and authorizing a Major Freeway Tow Agreement between the City of Houston and **KTL ENTERPRISES, INC.**; providing a maximum contract amount – was presented. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Holm stated that she was going to tag Item No. 12, that she was tagging the amendment because like in the previous issue they had she had to have due diligence and had to know why they were doing things, that she submitted a memo last Thursday with numerous questions and she had not heard a word on it and she must have the information in order to make an informed vote, that rather than continue to charge the citizens an outrageous

cost for a simple tow off of the freeway she recommend that they suspend the shoulder program until they had a good solid program to implement that benefited the citizens of the City and addressed the problem of mobility and safety in a cost effective manner. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Garcia stated that he too continued to support the program and wanted to commend the Mayor for proposing the changes that they had before them and would like to see them vote on the item today so they did not continue to charge folks \$75 as they are on the shoulder of the road and offered the following written motion to amend Item No. 12:

Garcia Amendment:

“The City of Houston will amend contract between City of Houston and Safe Clear vendors to reflect credit for confirmed free tows against any amounts owed by the Safe Clear vendors to the City of Houston for their assigned segments. Such credit shall be reflected when the next payment by the Safe Clear vendors is due.” Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Berry asked Council Member Garcia if it was just an administrative detail and asked what the basis of it was, that it seemed like a good idea, and Council Member Garcia stated that the basis for it was that it did not make any sense for a lot of citizens and did make sense for the tow truck companies to pay the City an amount and then the City pays them back, it just did not make any sense and thought there was too much opportunity for some embarrassment in that kind of process but thought that doing it from the amendment's standpoint, he thought, they would be making a better partner of the wrecker companies and they would continue to serve and respond to the issue that the public had brought to them and it was much cleaner. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that he would tag Council Member Garcia amendment. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Ellis stated that it was his attention to work with Council Member Sekula-Gibbs and bring forward some amendments next week but he wanted to bring to everyone's attention, and he did not know how it slipped through the cracks, but Corporate Auto Services, Inc. were delinquent in their property taxes and he would request that they make sure and take care of that matter before next week as well. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Quan stated that he commended Mayor White for a valiant effort to address a serious problem but as they see from the comments from so many citizens he thought there were serious flaws with the process they were looking at, that he hoped they could look at a major review as he talked about the MAP Program and providing that information to Council Member Khan and all the Council Members, that he did not think they had to reinvent the wheel, there were a lot of programs out there such as the California program that Triple A had alluded to, he knew the Mayor's office was looking at reviewing the results of the satisfaction at what had transpired so far with about 1,000 tows, he would join in the tag of both the amendment and the main item.

Council Member Khan stated that right from day one when the whole discussion about Safe Clear started there were two reasons which were paramount, safety on the freeways and reducing congestion on the freeway and improve traffic flow, that he thought they should keep their eyes on the ball as to why they started discussing the program and then where they were going with it, that he thought that with the amended program they had addressed the concerns. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Galloway stated that many of her colleagues now saw what she was

speaking about it when she voted against it in May 2004, that when they talked about bread and butter issues and not educate the public this is what they have, that she wanted to applaud the Mayor for considering the free tows, that she was concerned that they did not have a complaint system in place, if something happened to the public who would they call, did they have something set up to handle their grievances, that she thought they needed something because many people were complaining, that they needed to know about it and have something in place. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Mayor White stated that according to what he heard from people he encountered on his job interview last year and from Steve Klienbergh the number one issue that Houstonians wanted their local elected officials to solve was the problem of dealing with transportation, traffic and growth and the nightmare that people were confronting, that it confronted people from all walks of life, that they wanted the City to grow and be a City of opportunity and they would not do it by doubling the size of every freeway and major thoroughfare and street in the City without destroying every neighborhood and bankrupting the City, so they had a choice, whether to decide to do some things that would have an impact on traffic congestion and safety on the freeways or whether they do not, the amount of time and attention spent on the issue by his colleagues around the table, by the public stakeholder meetings, by numerous committee hearings and special meetings, citizens appearing before the City Council, had far exceeded any other issue that they had considered, public input, if at the beginning, was not adequately sought throughout the process it was not, that moreover he himself learned from the process, from the initial point, to listen and make modifications because they wanted to be partners with responsible tow operators, they were not going to put the towing industry interest above the public interest, they were not going to do that, but they wanted tow companies who worked for the City to have incentives that were appropriate and they made modifications based on that, that he spent more time last week talking to some of his colleagues than he spent on any issue in some time, that it was a very serious issue of whether a modest amount should be charged for a tow right of the shoulder or whether it should be free, whether they should have a policy that said it was \$10 but if they only had \$8 they had to go to a facility or whether it would be something where they would say it was one of the higher ranking public expenditures and they were not going to discriminate against people based on income, that he thought if people did have ideas and could build consensus around the table they did not have to stop today or next week on improving the program, but the clock was ticking on their ability to act decisively and he intended to fight every day to get traffic moving on the freeways and to reduce the traffic congestion in a noticeable manner, that the proof in the pudding were the people in the helicopters, in the tow trucks, on the freeways looking down at what was happening every day, that things were improving on the freeways right now for the first time in a long time, that people could be part of taking credit for that or they could not, that there was an issue that Council Members had brought up and he did believe that Council Members thought one thing and got another when they voted for the program, that they gave people more options than under the old system, where it was cash, credit card or check, and if they broke down in a lane and did not get to the shoulder they were towed as soon as an officer got there, but they did not have enough officers, that he thought the issue that many of them raised was not handled in the appropriate manner inasmuch that they thought it could be handled in an informal manner and it needed to be handled in a formal programmatic change, that he wanted to ask each of them to do it for them as they elevated the statute of City Hall, and the community, to help him find a consensus during the next week on Council, that they would do a whole lot better in providing leadership on this issue and a number of other issues to a public that had a very high opinion of the way people were working together to get things done, if it was not his agenda or one Council Members agenda it was an agenda that all of them could buy into, they did it on moving forward on drainage, they did it in pension reform and did it on coming up with a budget that passed unanimously, they had done it on a number of different issues and thought they could do it on this issue, that he thought if they were fighting for the person who felt they had not had a voice, that the system was broke, that they would be doing the right thing, that his message was for them to work together and he would roll up his shirt sleeves, that he needed them to respect this institution of the Mayor's office and help him do it in a way that many of them could stand

together and say they were moving forward and making progress for public safety and those commuters and he would work in that spirit with them, but he did not think if they had 10 or 14 different plans that everybody was going to be able to pass every one of those plans, he would work to get a consensus of Council but they would not be able to work with a moving target. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

13. ORDINANCE awarding contract to **RICHARD WEHRMEISTER, KIRK WEHRMEISTER** and **TIM HARRINGTON** all as general partners of a partnership doing business as **ADVANCED OVERHEAD CRANE SERVICES** for Inspection, Maintenance and Repair Services on Overhead Cranes and Hoists for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$541,490.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0066 ADOPTED.
15. ORDINANCE authorizing payment of up to \$150,742.43 from the Water Service Fund to the **UNITED STATES INTERNAL REVENUE SERVICE** for Arbitrage rebate for Water Sewer Junior Lien Revenue Bonds, Series 1994A and 1994B – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0067 ADOPTED.
16. ORDINANCE amending Ordinance No. 2001-0129 to increase the maximum contract amount for Contract No. C52372 between the City of Houston and **CINGULAR WIRELESS (formerly HOUSTON CELLULAR TELEPHONE COMPANY, L.P.)** for Wireless Communications Services for Various Departments - \$625,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0068 ADOPTED.
19. ORDINANCE appropriating \$478,019.50 out of Police Consolidated Construction Fund, awarding construction contract to **AAR INCORPORATED** for Construction of 1300 Dart Street, GFS G-0071-06-5; providing funding for Environmental Consulting Services, and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund 435 **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0069 ADOPTED.
21. ORDINANCE appropriating \$157,201.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on Richmond Avenue Intersection at the IH-610 West Loop, GFS S-0521-S1-3 (SB9144-04); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0070 ADOPTED.

NON CONSENT AGENDA - NUMBER 22

MISCELLANEOUS

MATTERS HELD - NUMBERS 23 through 28

23. ORDINANCE **AMENDING SECTION 14-182 OF THE CODE OF ORDINANCES,**

HOUSTON, TEXAS, relating to Removal. Demotion and Suspension of Employees – **(This was Item 12 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Galloway moved to postpone Item No. 23 for one week, seconded by Council Member Green. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. MOTION 2005-0046 ADOPTED.

24. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the term Department Director – **(This was Item 13 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Galloway stated that she was passing out the following written amendment because in the ordinance it was not quite clear as to the Mayor's divisions because some of the divisions that were listed on the website were not divisions because they only had maybe one person, that she would like to delay the amendment as well as the main item.

"Specifically, I would like to amend Sec. 2-277, Section 7, to add the following clause, which will serve the purpose of specifically identifying the divisions of the Mayor's office in the ordinance:

.....Department Director. Each person appointed as a department director by the mayor and confirmed by the council to assume the administrative duties of the various departments of the city. For purposes of administering this article only, each person appointed by the mayor as the director or head of the division for each of the divisions of the mayor's office which is limited to each of the following (311, Citizens Assistance Office, Affirmative Action (including the Office of Disabilities and One Stop Business Center), 911/Houston Emergency Center) shall also be considered a 'department director'." , tagged by Council Members Galloway and Alvarado.

Council Member Galloway moved to postpone Item No. 24 for one week, seconded by Council Member Green. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. MOTION 2005-0047 ADOPTED.

27. ORDINANCE appropriating \$177,045.26 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **RICO DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Almeda Meadows Subdivision, CIP S-0800-D5-03 and R-0800-D5-03 **DISTRICT D - EDWARDS – (This was Item 28 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0071 ADOPTED.
28. ORDINANCE appropriating \$186,100.00 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **JACK C. CANNATA, dba CANNATA CONSTRUCTION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pierce Junction Village Subdivision, CIP S-0800-F5-03 and R-0800-F5-03 - **DISTRICT D - EDWARDS – (This was Item 29 on Agenda of January 12, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. – was presented. All voting aye.

Nays none. Council Members Edwards and Wiseman out of the city on city business. Council Members Lawrence, Goldberg and Sekula-Gibbs absent. ORDINANCE 2005-0072 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that last week they celebrated the life and legacy of Dr. Martin Luther King, that the Texas Friends of Trans Africa Forum held a three day weekend full of events, on Saturday a jazz concert, on Sunday they held a fundraiser at the Ensemble Theater and on Monday there was a forum at Texas Southern University, that actor Danny Glover was in the City and they presented him a proclamation. Council Members Lawrence, Goldberg and Sekula-Gibbs absent.

Council Member Green stated that he along with other Council Members participated in a Tsunami relief telethon on 97.9 KBXX Radio Station. Council Members Lawrence, Goldberg, Quan and Sekula-Gibbs absent.

Council Member Green stated that Council Member Khan, on Friday night, was on Nightline, along with Mr. Munir Ibrahim, who was on the Hotel and Convention Board, talking about Bollywood and all of the movies coming out of South Asia. Council Members Lawrence, Goldberg, Quan and Sekula-Gibbs absent.

Council Member Green stated that on Monday, January 17, 2005, many Council Members participated in the Martin Luther King parades, that certainly they were a great City and he would like to impress upon those who participated and organized the parades to see if they could get together and do one parade, and not just a parade but make an entire festival of sorts. Council Members Lawrence, Goldberg, Quan and Sekula-Gibbs absent.

Council Member Green stated that he wanted to talk about the issue that Mr. Hill brought up as it related to Public Works, that it may not be Public Works fault, it may just be the contractor's fault or it may be the fault of the process they had, it made no sense that the gentleman had to get to this point and take time from his busy day to come down to City Hall and show them what a two year old could see was absolute inaptitude, that it was ridiculous, that although they all signed up for new drainage and they needed it he did not think it gave the City or the contractor a license to just leave people's property in any kind of way, that he would be able to work with the Mayor's office

Mayor White stated that he put in a note and Mr. Norman had it, that it was not right, and asked if Council Member Berry could have a stakeholder meeting involving drainage in the neighborhood, that this was a related issue and an important issue, that he wanted to thank Council Member Green for bring it to their attention. Council Members Lawrence, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he wanted to thank the administration and Mr. Michel and the Legal Department for their leadership and his colleagues for all the input they provided in passing the Daycare Ordinance, that he had a lot of hope for what kind of relief the ordinance was going to bring for communities, for neighborhoods and for children and alleviate the concerns that families had about the influence that some of the establishments that were not well run, that they were talking about alcoholic establishments that did not care about the responsibility of being a license holder. Council Members Lawrence, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Holm stated that she wanted to commend the Building Services Department, that Mr. Dadoush had worked hard to bring fiscal responsibility and good process and policy to that department and had done a good job of it, that one thing they could celebrate was the Luscan Library, they had been able to undergo a process of doing the library by

design/build for the very first time and the proposals that had come forward were absolutely incredible in terms of good development and promotion of good business practices. Council Members Lawrence, Goldberg, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated since last January she and Council Member Goldberg had been working with some citizen groups, the City and the City of Bellaire, West University, to establish a private program of a quiet zone under the FRA regulations, that it was supposed to be implemented at the end of December 2004 and there were some FRA holdups and now there was a new date, January 24, 2005, for the adoption of the qualification procedures but they understood there may some holdup again so she was soliciting the Mayor's help and support in helping the City take whatever measures were necessary in order to really support the process through the FRA and through the cities in order to implement it. Council Members Lawrence, Goldberg, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that she wanted to congratulate Council Member Garcia on the passage of Item No. 7, that he worked very hard and she wanted to congratulate his efforts. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she wanted to recognize Council Member Berry for the wonderful reception that he hosted for the Stellar Awards, it was very well attended. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she popped into Fire Station No. 20 and was pretty disappointed about what she learned there, the fire station had some plumbing issues that needed to be addressed, some issues related to the heat and air conditioning, furniture issues and it was one of their oldest fire stations, that it was really hard for her when purchases and contracts came before the City Council and they were awarding them when something as basic as their fire stations and firefighters did not have adequate facilities, that it was concerning to her and she was going to send a memo to the Fire Chief and copy the Mayor, that she wanted to make sure it was brought to his attention and was sure there were other fire stations that might be in the same situation. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she wanted to thank Mr. Dadoush for addressing some issues on the construction of the South Central Police Station that was behind schedule and she understood the reasons why and was pleased with the response she received from Building Services and hoped they would continue to press the contractors to move through the process as quickly as possible. Council Members Lawrence, Goldberg, Sekula-Gibbs and Green absent.

Council Member Khan stated that today was the Day of Arafat, that over 3 million Muslims from all over were getting together on the plains of Arafat in Saudi Arabia and offering their prayers, that it was the tradition of the Prophet Abraham, who was considered the father of many religions including Judaism, Christianity and Islam, that it was considered one of the holiest days in Islam, that the Muslims of Houston would have, through Islamic Society of Greater Houston, a lot of sharing with the needy in the coming days. Mayor White and Council Members Lawrence, Goldberg, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to comment about what Council Member Green said about the need for Martin Luther King Day to be celebrated by the whole Houston community together and jointly, in his way of thinking it was against the teaching of a great man, the Reverend King, that they were not united and got divided with the parades, that the important thing was to learn from his life and teach it to their kids. Mayor White and Council Members Lawrence, Goldberg, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that on Saturday there would be a presentation by the Planning Department regarding the Third Ward Redevelopment Plan, it would be at the Judson Robinson Center from 10:00 a.m. to 2:00 p.m. Mayor White and Council Members Lawrence, Goldberg, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to commend the Texas French Association for the Arts who hosted their first annual dinner last night to celebrate a collaboration between the City of Leon and Houston in the arts, that there would be several art groups from Leon coming to Houston in the month of April and there would be a whole week of celebration and hoped the citizens could participate in that. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that the Thai Community would be having a fund raising dinner on Saturday for orphans from the Tsunami at the Intercontinental Hotel. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that the Stellar Awards were a huge success and wanted to thank everyone who was involved with it, that he wanted to thank Mayor White and Mrs. White for being the co-chairs and Mr. Milton Carroll, Centerpoint Energy, for his role. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she enjoyed the Stellar Awards and it was a very nice affair. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she was having some calls in her community that the police officers were spending more time writing traffic tickets than policing the community, that it was happening in the district that she represented and she was very disturbed about it, that she had heard some time ago that police officers who were not performing because they were not writing many tickets would be sent to the central police station to do desk duty, that they already knew they had a shortage of police officers, that she thought they were defeating the purpose and it was at the expense of the citizens, that she wanted to have some type of report as to why police officers were being penalized for not writing tickets when they were policing the community. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to discuss the rebuilding of the Northeast Community, there was going to be a fundraiser for a new youth center tonight from 6:00 p.m. to 8:00 p.m. at the Restoration Temple Church at 5026 Langley Road and Pastor David Montgomery Sr. would be the host of the event and was sponsored as well by Lieutenant Allen Helfman along with her, who was working with the project, that she invited everyone to come out to the fundraising, that it was for a worthy cause. Mayor White and Council Members Lawrence, Goldberg, Khan, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she and Mayor White were at the ribbon cutting of the Federal Inspection Building, it was the inauguration ceremony, that when people came into Houston, Texas on an international flight they better make sure they were in accordance with the law because if they did not they would be detained, that the facilities were state of the art and the best in the Country. Mayor White and Council Members Lawrence, Goldberg, Khan,

Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 2:06 p.m. Council Members Lawrence, Galloway, Garcia, Edwards, Ellis, Quan and Green absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

Note: During the Council Meeting of January 25, 2005 the minutes of this meeting were corrected by unanimous consent to reflect that Council Member Addie Wiseman was out of the city on city business. All ordinances, motions and records have been corrected except any certified copies provided prior to January 25, 2005 which will reflect that Council Member Addie Wiseman was out of the city.

MINUTES READ AND APPROVED

Anna Russell, City Secretary